

NOV 30 2015

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Attorneys for Yellowstone County *et al*

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF MONTANA
 BILLINGS DIVISION**

ESTATE OF LOREN SIMPSON <i>et al</i> ,)	
)	Cause No. CV 15-0099-SPW
Plaintiffs,)	
)	
vs.)	
)	YELLOWSTONE COUNTY'S
YELLOWSTONE COUNTY <i>et al</i> ,)	DISCOVERY RESPONSES
)	
Defendants.)	
)	

On October 28, 2015, the Estate of Loren Simpson served discovery requests on Yellowstone County. The County responds to the requests as follows:

INTERROGATORY NO. 1: Please identify--by title, date of promulgation or adoption, and chapter number, page number, section number or other identifying characteristic--all policies, procedures, training manuals, and guidelines applicable

to Yellowstone County Sheriff's Officers pertaining to the incident of January 8, 2015, including but not limited to those applicable to:

- (a) the use of road blocks or blockades;
- (b) the use of "spike strips" or other devices to disable vehicles;
- (c) the use of deadly force; and
- (d) requesting civilians to assist in carrying out an investigation.

ANSWER: Enclosed is a copy of the Yellowstone County Sheriff's Office's Policy and Procedure Manual, Bates-stamped Nos. 1025-1313.

INTERROGATORY NO. 2: Please identify all employees or other personnel of the Yellowstone County Sheriff's Office with knowledge of the incident surrounding the shooting of Loren Simpson, and for each person identified, set forth a brief summary of the knowledge they possess.

ANSWER: Enclosed is a list of law enforcement witnesses, Bates-stamped No. 1314.

INTERROGATORY NO. 3: Please identify—by name, address and phone number-- any person with knowledge of the incident surrounding the shooting of Loren Simpson from whom a written or oral statement has been taken, and identify the date the statement was taken and the substance of the statement that was taken.

ANSWER: Enclosed is a list of non-law enforcement witnesses, Bates-stamped No. 1315.

INTERROGATORY NO. 4: Please identify any disciplinary action, reprimands, re-assignment or other action taken by the County against Deputy Robinson and/or Deputy Rudolph as a result of the shooting of Loren Simpson.

ANSWER: Yellowstone County has not taken any action against either Jason Robinson or Christopher Rudolph for the shooting of Loren Simpson. On February 12, 2015, both deputies resigned. That same date, Robinson requested back (and received) the position that he had previously held at the Yellowstone County Detention Facility.

REQUEST FOR ADMISSION NO. 1: Please admit that Deputy Robinson and Deputy Rudolph were told to resign or they would be fired.

RESPONSE: Yellowstone County denies. After investigation into events leading up to shooting at the vehicle operated by Loren Simpson, both officers were informed that the county would be initiating disciplinary proceedings, up to and including termination of employment. Both deputies resigned.

REQUEST FOR ADMISSION NO. 2: Please admit that after Deputy Robinson and Deputy Rudolph's vehicle became stuck, they spoke with at least one teenage resident of the area, exchanged phone numbers with at least one of the teenagers, and subsequently received a phone call from one of the teenagers concerning Loren Simpson's location.

RESPONSE: Yellowstone County admits.

REQUEST FOR ADMISSION NO. 3: Please admit that prior to the shooting of Loren Simpson, neither Deputy Robinson nor Deputy Rudolph had any knowledge that Loren Simpson was carrying or armed with a weapon.

RESPONSE: Yellowstone County admits.

REQUEST FOR PRODUCTION NO. 1: Please produce a complete copy of all policies, procedures, training manuals, and guidelines applicable to Yellowstone County Sheriff's Officers as of January 8, 2015, pertaining to the incident at issue in this case, including but not limited to those applicable to:

- (a) the use of road blocks or blockades;
- (b) the use of "spike strips" or other devices to disable vehicles;
- (c) the use of deadly force; and
- (d) requesting civilians to assist in carrying out an investigation.

RESPONSE: *See* answer to Interrogatory No. 1, documents attached.

REQUEST FOR PRODUCTION NO. 2: Please produce complete and accurate copies of the personnel files for Deputies Jason Robinson and Christopher Rudolph, including but not limited to, any evaluation, write-up, disciplinary action, performance notes, memoranda, or other employment related documents.

RESPONSE: Enclosed are copies of Jason Robinson's and Christopher Rudolph's personnel files from the Yellowstone County Human Resource Office, Bates-stamped Nos. 1316-1405 and Nos. 1406-1465, respectively.

REQUEST FOR PRODUCITON NO. 3: Please produce audio or video recordings and transcripts (if any have been made) of the events the preceded the shooting of Loren Simpson, the shooting itself, the investigation of the shooting, any 911 calls, all communications between Deputy Robinson or Deputy Rudolph and any other law enforcement officer, and any other video or audio recordings made in connection with the shooting of Loren Simpson on January 8, 2015.

RESPONSE: Yellowstone County has already provided the requested information to Plaintiff's Counsel – copies of two investigative binders (including video disks) were sent out on November 9, 2015.

REQUEST FOR PRODUCTION NO. 4: Please produce cell phone records for Deputy Robinson and Deputy Rudolph for January 8, 2015.

RESPONSE: Sheriff's deputies are not issued County cell phones. Both Robinson and Rudolph were asked, pursuant to this request, for the information sought. The County will supplement this response as information becomes available.

REQUEST FOR PRODUCTION NO. 5: Please produce copies of all offense reports and arrest records for Loren Simpson, including but not limited to, any records of any investigations under way at the time of his death, or any investigations that have arisen after his death. Pursuant to 42 Att'y Gen. Op. 119

and Mont. Code Ann. § 44-5-311, any confidential information or protected information relating to any victim may be redacted.

RESPONSE: Yellowstone County has already provided the requested information to Plaintiff's Counsel – copies of two investigative binders (including video disks) were sent out on November 9, 2015.

REQUEST FOR PRODUCTION NO. 6: Please produce a copy of any document, video recording including dashboard camera or body camera, audio recording or other written materials identified in response to any discovery request set forth herein or relating to the death of Loren Simpson on January 8, 2015.

RESPONSE: Yellowstone County has already provided the requested information to Plaintiff's Counsel – copies of two investigative binders (including video disks) were sent out on November 9, 2015.

REQUEST FOR PRODUCTION NO. 7: Please produce a copy of any letter, email, fax, or other correspondence sent by any representative of the Yellowstone County Sheriff's Office or the officer's union to Deputy Robinson or Deputy Rudolph following the shooting of Loren Simpson through the present day.

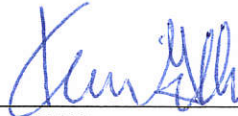
RESPONSE: The County is unaware of any such correspondence.

REQUEST FOR PRODUCTION NO. 8: Please produce a copy of any letter, email, fax, or other correspondence sent by Deputy Robinson or Deputy

Rudolph to their union or to any representative of the Yellowstone County Sherriff's Office at any time after the shooting of Loren Simpson through the present day.

RESPONSE: Copies of resignation letters can be found in their personnel files. *See* answer to Request for Production No. 2, documents attached.

Dated this 25th day of November 2015.



Kevin Gillen
Deputy Yellowstone County Attorney

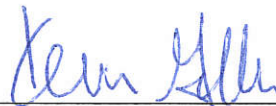
Verification

STATE OF MONTANA)

: ss.

County of Yellowstone)

I, Kevin Gillen, being duly sworn, state that I am a Deputy Yellowstone County Attorney, the responses to the interrogatories, requests for production and admissions are correct as far as I know and I am authorized by the Yellowstone County Board of County Commissioners to answer the interrogatories, requests for production and requests for admissions served on the County by the Estate of Loren Simpson on behalf of the County and to make this verification.



Kevin Gillen

Deputy Yellowstone County Attorney

Signed and sworn to before me on this 25th day of November 2015 by Kevin Gillen.

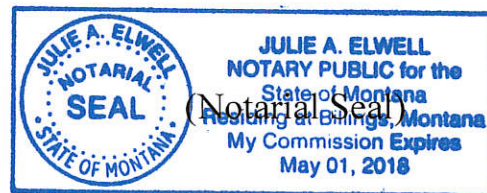


Julie A. Elwell

Notary Public for the State of Montana

Residing at Billings, Montana.

My commission expires: May 1, 2018



Certificate of Service

I certify that on the date below I mailed a copy of the attached Yellowstone County's Discovery Responses to:

Datsopoulos, MacDonald & Lind, P.C.

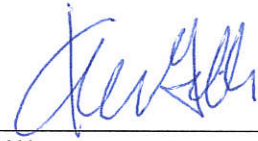
Attn: Nathan G. Wagner

201 West Main Street, Suite 201

Missoula, Montana 59802

Attorney for the Estate of Loren Benjamin Simpson, et al

Dated this 25th day of November 2015.



Kevin Gillen

Deputy Yellowstone County Attorney